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SUBJECT: LIBERIA: RECOMMENDATIONS ON COUNTER-PIRACY EFFORTS

REF: STATE 126055

¶1. The Commissioner of Liberia's Bureau of Maritime Affairs, Binyah Kesselly, stated the GOL position on piracy at the recent session of the International Maritime Organization. He described the hijacking of the Liberian-registered SIRIUS STAR as part of "an international crisis of monumental proportions," condemned the attacks, and called for an urgent international solution. His full remarks follow at paragraph 3. He said the GOL has:

-- engaged the IMO, U.S. Department of State, the U.S. Maritime Administration, the EU, UKMT0, IMB and other prominent stakeholders, while also working diplomatically to urge an international armed force to protect this critical shipping lane (Note: Post is not aware of any GOL contact with the Department on this issue. End note.);

-- advised Owners, Masters and Agents that the situation in the region is complex and intricate, and long-term permanent solutions will require collective efforts, time and endurance;

-- called on all States, and in particular flag, port and coastal States, States of the nationality of the victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation, capture, prosecution and punishment of all persons responsible for acts of piracy and armed robbery off the Somali coast, consistent with applicable international law, including international human rights law.

¶2. Liberia is beneficiary of the world's second-largest ship registry and the GOL is deeply concerned about the impact of growing piracy on the health of the maritime sector. The Ministry of Finance reports that in Liberian fiscal year 2007-08 (beginning July 1), the number of vessels registered increased 13%, to total 2,824 ships, and the GOL received \$19.04 million from the registry. (Note: The GOL's total 2007-08 budget was only \$207 million. End note.) Since Liberia does not have a functioning Coast Guard or reliable judicial system, we do not anticipate that the GOL would be in a position to contribute to the detention or prosecution of pirates captured at sea.

¶3. Begin text of GOL statement at the IOM:

STATEMENT BY LIBERIA AT THE 85th SESSION OF THE MARITIME SAFETY COMMITTEE (MSC) OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO) (WEDNESDAY, 26th NOVEMBER 2008 - FRIDAY, 5th DECEMBER 2008)

Mr. Chairman, I am Binyah Kesselly, Commissioner of Maritime Affairs of the Republic of Liberia, speaking on behalf of the Liberian Delegation.

Let me first of all, on behalf of the Liberian Government, commend the Secretary General of the IMO, Mr. Efthimios Mitropoulos, for his untiring efforts and overall commitment to combat piracy and armed robbery off the Somali coast and in the Gulf of Aden. My Government also extends its appreciation to the Secretary General of the United Nations, Mr. Ban Ki-moon and to the Security Council for responding to international demands to take action against pirates and armed robbers who pose a serious threat to international shipping, free

trade and the preservation of life at sea.

Mr. Chairman, the pirates and armed robbers are a menace to all and must be stopped. They have become emboldened by their brazen acts, and incidents of piracy off the Somali coast have surged.

A little less than two weeks ago, Somali pirates hijacked a Liberian registered vessel, the SIRIUS STAR, and its crew of 25 persons.

The circumstances of the pirate attack and boarding of the vessel are as follows:

On 15th November 2008, the SIRIUS STAR, fully laden with approximately 2.1 million barrels of crude oil bound for the United States, was attacked by 2 boats with four men each, and boarded initially by four armed individuals while steaming on a SSW course at approximately 520 NM along the coastal borders of Kenya and Tanzania in East Africa. The subsequent incident report estimated the number of pirates to be around 10 armed persons.

The first Ship Security Alert System (SSAS) alert message was transmitted by the vessel and was received by the Liberian Registry at 1:55GMT on 15 November 2008. SSAS and Purple Finder information provided the vessel's position, speed, and course. An updated report received from the vessel's operators, Vela International Marine Limited, indicated the vessel changed its course heading NNW towards Raas Cusbad, Somalia. The vessel continued on this path, and stopped at the aforementioned position at a distance of 3.7 NM from the shore. The vessel anchored at this position.

On 17th November 2008, the pirates threatened to blow up the vessel if anyone attempted to approach them. There is no indication that

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any of the crew was injured, and the crew remained inside the vessel's accommodation area. Presently, the vessel remains at anchor; there are no significant changes in the situation and the armed individuals continue to exercise control over the vessel and its crew.

Mr. Chairman, as we are all aware, piracy and armed robbery against commercial vessels transiting the Gulf of Aden and in international waters off the Somali Coast continue to increase dramatically and dangerously. The pirates have been violent and have attacked and robbed vessels, and kidnapped crew along the Maritime Security Patrol Area. In an effort to bring attention and resolution to the piracy crisis in the Gulf of Aden, the Liberian Government has engaged the IMO, U.S. Department of State, the U.S. Maritime Administration, the EU, UKMT0, IMB and other prominent stakeholders, while also working diplomatically to urge an international armed force to protect this critical shipping lane.

Mr. Chairman, the Liberian Government has advised Owners, Masters and Agents that the situation in the region is complex and intricate, and long-term permanent solutions will require collective efforts, time and endurance. The Liberian Government has taken these actions in accordance with the provisions of Resolution 1816 (2008) adopted by the Security Council at its 5902nd meeting on 2nd June 2008 and under Chapter VII of the Charter of the UN.

Mr. Chairman, the attack and hijacking of the SIRIUS STAR should cause particular concern as it represents an alarming escalation of piracy and armed robbery on the high seas. As noted, this incident occurred in international waters 520 NM east of the coastal borders of Kenya and Tanzania, more than twice the distances of any previous attacks. It demonstrates the pirates' determination to expand their relentless prey on international shipping, in waters previously considered safe, so long as they are successful and remain unchallenged. Only this week, yesterday to be precise, the international news media provided reports of yet another vessel being hijacked in the same region. This time the vessel was a Yemeni cargo vessel with seven crew on board.

Mr. Chairman, this issue is an international crisis of monumental proportions, affecting global trade, international shipping and the safety of seafarers of all nations. Thus, it demands an urgent

international solution. Experience has shown that the pirates are targeting ships based on ease of hijacking, not the flag it flies, the nationality of its seafarers or whether it has a national naval force present in the region or not.

Mr. Chairman, the Liberian Government strongly condemns the armed attacks against the SIRIUS STAR and the many similar attacks that appear to be linked to "organized professional criminals". These actions place the lives of the crew at risk and threaten the safety of the merchant vessel. The Liberian Government therefore calls on all States, and in particular flag, port and coastal States, States of the nationality of the victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation, capture, prosecution and punishment of all persons responsible for acts of piracy and armed robbery off the Somali coast, consistent with applicable international law, including international human rights law.

Mr. Chairman, the IMO was founded on the very basis of the Safety of Life at Sea (SOLAS) and the Protection of the Marine Environment. This current and continuing threat of piracy and armed robbery in the Gulf of Aden, threatens the very foundation of IMO, and thus demands the need for tougher, urgent proactive measures to suppress the pirates and protect innocent seafarers and passengers from armed and deadly attacks. The Liberian Government believes that the time to act is now. We can no longer stand by and allow terrorists to continuously dictate the fate of our industry, tipping the balance of power in their favor with impunity. The very integrity of the IMO as a wholesome, functioning body stands at a crossroads right now, and we must put an end to these criminal activities, and restore safety, peace and tranquility to this vital shipping lane, and protect the seafarers and vessels that ply its waters.

Thank you Mr. Chairman.

End text.

THOMAS-GREENFIELD